

REMARKS

This amendment is being submitted in response to the Office Action mailed **May 1, 1998** (hereafter, the Action). In light of the foregoing amendment and the following remarks, favorable reconsideration of the above captioned application is respectfully requested.

With this amendment, claim 39 has been amended to merely remove a lingering informality, i.e., a correction of punctuation. Accordingly, claims 22, 26, 28-33 and 36-39, as selectively amended, remain pending.

In the Action, claims 22 and 28 were rejected as being unpatentable over the previously cited Hausman reference, while claims 29-33 and 36-39 were rejected as being unpatentable over the Hausman reference in view of the previously cited Copeland reference. Applicants note that, although the Examiner recognizes in line 1 of the Action that claim 26 is currently pending, it is not recognized in the Action as being rejected or allowable. Absent any indication to the contrary, Applicants have assumed for purposes of this response that claim 26 is rejected under §103(a) in view of the Hausman reference. In response, Applicants respectfully disagree.

Applicants respectfully assert that the claimed invention of rejected claims 22, 29, and 37 provides that the transmission complete signal is issued to the host upon the successful transfer of data from main memory to the buffer, i.e., prior to actual transmission of the data over the physical link. For example, claim 22 includes the limitation of "providing an indication to said host that a frame of data has been successfully transmitted over said network when said frame of data has been copied from

said main memory to said buffer memory”. Applicants respectfully submit that analogous limitations appear in rejected claims 29 and 37 as well, albeit in accordance with their respective embodiments.

As explained in a prior communication, the innovative approach of rejected claims 22, 29 and 37 reduces the latency caused by the host by enabling the host to continue to process frames in the upper and lower protocol layers while the controller is sending out the data over the network. That is, the claimed invention of rejected claims 22, 29 and 37 disassociate the transfer of data between upper and lower protocol layers from the actual transmission of data over the physical link of the network.

In contrast, despite the characterization of the Examiner, the Hausman reference is merely representative of prior art approaches to data transmission. More specifically, the Hausman reference explicitly recites that a TX Complete signal is not issued until the *adapter* has *finished* transmitting a packet. That is, the Hausman adapter does not provide an indication of transmission over the network at the physical layer when the adapter receives a packet from a host, it is not issued when the adapter begins transmitting a packet, the indication is issued only upon completion of packet transmission (see, e.g., col. 4, lines 39-62; col. 6, line 36 through col. 7, line 17; and Fig. 4B).

To overcome the express limitations of the Hausman reference, the Examiner points to the receive operation and, in particular, to the assertion of the RX early indication, as suggesting that which is claimed in rejected claims 22, 29 and 37. However, Applicants respectfully assert that the Examiner is employing impermissible

hindsight reconstruction to read the innovation embodied in rejected claims 22, 29 and 37 in the Hausman reference. Applicants respectfully assert that the Hausman reference is quite explicit, indeed, it teaches away from that which is claimed in rejected claims 22, 29 and 37.

Even if, *arguendo*, the Examiner's characterization is correct, Applicants respectfully submit that the Hausman reference nonetheless fails to disclose or suggest that which is claimed in rejected claims 22, 29 and 37. More specifically, Applicants submit that the RX early signal cited by the Examiner is not generated until transmission at the physical link layer has at least begun, i.e., the indication is provided after transmission has commenced and the adapter has begun receiving frames (see, e.g., col. 3, lines 15-18 and 25-32). That is, while the claimed invention of rejected claims 22, 29 and 37 provides an indication of frame transmission prior to transmission of frames at the physical layer, the Hausman reference requires at least the commencement of frame transmission at the physical layer, regardless of whether one views the transmit operation or the receive operation of the Hausman adapter. Thus, Applicants respectfully assert that the Hausman reference fails to disclose or suggest that which is claimed in rejected claims 22, 29 and 37.

Similarly, without the need to further characterize the Copeland reference, Applicants respectfully submit that the Copeland reference fails to disclose or suggest the foregoing patentable distinctions. Accordingly, Applicants respectfully assert that claims 29 and 37 are likewise patentable over the Hausman reference in view of the Copeland reference.

Accordingly, for at least the foregoing patentable distinctions, Applicants respectfully assert that rejected claims 22, 29 and 37 are patentable over the Hausman reference alone or in view of the Copeland reference, and respectfully request that the §103 rejection of such claims be withdrawn.

Moreover, by virtue of at least their dependence upon patentable base claims 22, 29 and 37, Applicants respectfully submit that claims 26, 28, 30-33, 36, 38 and 39, as selectively amended, are likewise patentable over the cited references. Accordingly, Applicants respectfully request that the §103(a) rejection of such claims be withdrawn.

Thus, in light of the foregoing amendments and remarks, Applicants respectfully submit that claims 22, 26, 28-33 and 36-39, as selectively amended, are in condition for allowance, and respectfully request that the Examiner grant allowance of such claims.

Please charge any shortages and credit any overages to our Deposit Account No. 02-2666.

Respectfully submitted,
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